



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during February 2014**  
**DISTRIBUTED: March 17, 2014**

---

*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

---

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):**

*Air:*

**Gulf Oil Limited Partnership, South Portland, Maine.** The Department asserted that Gulf Oil Limited Partnership (“Gulf”) violated the terms of its Department-issued air emission license by exceeding its license limit for Volatile Organic Compounds from the facility’s Vapor Recovery Unit and by failing to submit annual emission compliance test results concerning the Vapor Recovery Unit within thirty days of the test as required by the license. Under the terms of the Agreement, Gulf neither admitted nor denied the Department’s assertions. To resolve the violations alleged by the Department, Gulf paid \$29,500 as a civil monetary penalty.

*Asbestos:*

**Environmental Compliance Specialists, Inc., York, Maine.** Environmental Compliance Specialists, Inc. (“E.C.S.I.”) violated the Department’s *Asbestos Management Regulations* by: allowing personnel to wear clothing under protective suits and footwear that was not designated for asbestos use only; not keeping asbestos containing material wet during removal activities; and by constructing a decontamination facility clean room without a ceiling and by constructing the clean room with only one layer of 6-mil polyethylene sheeting when two layers are required. To resolve the violations, E.C.S.I. paid \$5,750 as a civil monetary penalty.

**R. J. Enterprises, Inc., Brunswick, Maine.** R. J. Enterprises, Inc. violated the Department’s *Asbestos Management Regulations* by: not establishing fiber-tight critical barriers where the asbestos removal project was taking place; discharging exhaust air from the ventilation unit to the inside of the facility, rather than to the outside; and not equipping the decontamination facility with an operational shower room. To resolve the violations, R. J. Enterprises, Inc. paid \$3,000 as a civil monetary penalty.

*Mining:*

**Fenwick Mining LLC and Fenwick Construction LLC, Kingfield, Maine.** Fenwick Mining LLC (“Fenwick Mining”) and Fenwick Construction LLC (“Fenwick Construction”) violated Maine’s *Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt* by creating or operating an approximately nine-acre excavation without first filing a Notice of Intent to Comply (“NOI”) with the Department. Subsequent to Department involvement, Fenwick Mining



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during February 2014**  
**DISTRIBUTED: March 17, 2014**

---

*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

---

submitted an after-the-fact NOI, which was approved by the Department. To resolve the violation, Fenwick Mining and Fenwick Construction agreed to pay \$4,400 as a civil monetary penalty, according to a payment schedule.

*Water:*

**Irving Forest Products, Inc., Irving Woodlands LLC, Nashville Plantation, St. Croix Township, and Oakfield, Maine.** With respect to a log handling and laydown yard in Nashville Plantation, Irving Forest Products, Inc. ("Irving Forest Products") violated the Department's 2005 *Multi-Sector General Permit for Stormwater Associated with Industrial Activity* ("2005 MSGP"), by: failing to maintain a copy of the facility's Stormwater Pollution Prevention Plan ("SWPPP") and associated documents, data and reports required by the permit on site or otherwise available to the Department; failing to conduct quarterly visual monitoring; failing to conduct quarterly comprehensive site compliance evaluations; failing to conduct maintenance on best management practices ("BMPs"); failing to amend the facility's SWPPP upon closure of a sawmill on the site; and failing to provide annual summary reports for stormwater sampling data associated with effluent guidelines. In addition, Irving Forest Products violated the Department's 2011 *Multi-Sector General Permit for Stormwater Associated with Industrial Activity* ("2011 MSGP"), by: failing to review and update the facility's SWPPP prior to submitting a Notice of Intent to Comply ("NOI"); failing to conduct benchmark testing; failing to include all required documentation with the SWPPP; failing to implement or maintain control measures and BMPs in effective operating condition; failing to conduct employee training for the SWPPP; and failing to conduct site compliance evaluations. Furthermore, Irving Forest Products violated Maine's *Protection and Improvement of Waters* law by the unauthorized discharge of heavily silt- and sediment-laden stormwater and foam to waters of the State and violated Maine's *Water Classification Program* law by discharging polluted stormwater that caused the Little Machias River and Skerry Brook to exhibit water quality below minimum water quality standards. With respect to log laydown yards in St. Croix and Oakfield, Irving Woodlands LLC ("Irving Woodlands") violated Maine's *Protection and Improvement of Waters* law by directly or indirectly discharging pollutants to waters of the state without a waste discharge license. Specifically, Department staff observed log laydown yards in operation by Irving Woodlands that were not covered under either the *Multi-Sector General Permit for Stormwater Associated with Industrial Activity*, an individual permit, or alternative general permit. In addition, Irving Woodlands violated the 2011 MSGP by failing to develop a SWPPP prior to submitting NOIs for the St. Croix and Oakfield sites as required by the 2011 MSGP. To resolve the violations at the Nashville Plantation site, Irving Forest Products agreed to conduct benchmark testing and submit annual reports to the Department and paid \$154,700 as a civil monetary penalty. To resolve the violations at the St. Croix and Oakfield sites, Irving Woodlands agreed to conduct benchmark



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during February 2014**  
**DISTRIBUTED: March 17, 2014**

---

*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

---

testing and paid \$15,300 as a civil monetary penalty. Of the aggregate \$170,000 total penalty amount, \$110,010 was offset by a Supplemental Environmental Project for the removal of a dam in Washburn to restore Atlantic Salmon and Brook Trout habitat in Salmon Brook.

**Woodland Pulp, LLC, Baileyville, Maine.** Woodland Pulp, LLC (“Woodland Pulp”) violated Maine’s *Protection and Improvement of Waters* law and the conditions of its Department-issued Waste Discharge License (“WDL”) by: exceeding license limits for the discharge of biochemical oxygen demand, total suspended solids, zinc, lead, silver, color, and cooling water effluent temperature; discharging pollutants, specifically wood chips, debris, oily waste, and wastewater, from points other than those allowed under the WDL; and failing to notify the Department within 24 hours that the spill of wastewater to the surface of the ground had occurred on two occasions. To resolve the violations, Woodland Pulp paid \$32,500 as a civil monetary penalty. Of the \$32,500 total penalty amount, \$26,000 was offset by a Supplemental Environmental Project for the removal of a dam in Washburn to restore Atlantic Salmon and Brook Trout habitat in Salmon Brook.

**District Court Enforcement Resolutions (party followed by location):**

*Water:*

**State of Maine, Department of Environmental Protection v. Birchlane LLC, Portland, Maine.** In a Consent Decree and Order entered into by the Department and Birchlane LLC (“Birchlane”), and approved by the court, the parties agreed to settle the State’s allegations that Birchlane violated Maine’s *Protection and Improvement of Waters* law by discharging pollutants to waters of the State without first obtaining a permit from the Department. Specifically, the Department alleged that on multiple occasions during 2011 and 2012 a pump station and manhole cover associated with an apartment building owned by Birchlane had overflowed, resulting in the discharge of sewage to waters of the State. To resolve the Department’s allegations, Birchlane agreed to: immediately and permanently cease the unlicensed discharge of pollutants from the pump station and appurtenant structures to waters of the State; conduct weekly checks of the pump station; cause a qualified contractor to conduct maintenance of the pump station and pump the wet well associated with the pump station on a quarterly basis; ensure the audible alarm of the pump station is operational and working at all times; and report any pump station overflows to the Department within 24 hours of the overflow event. In addition, Birchlane agreed to use best efforts to install and construct a gravity sewer system and cease operation of the pump station after the gravity sewer is installed no later than July 15, 2014. If after using best efforts Birchlane is unable to construct and operate a gravity sewer system due to circumstances beyond Birchlane’s reasonable control, the parties agreed to apply



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during February 2014**  
**DISTRIBUTED: March 17, 2014**

---

*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

---

to the court for a hearing or judicial settlement conference to determine the issues left unresolved by Birchlane's failure to meet the requirement of installing the gravity sewer system. In addition, Birchlane agreed to pay \$32,400 as a civil monetary penalty, of which \$22,400 is suspended and will be permanently waived if Birchlane constructs and operates the gravity sewer by July 15, 2014. If Birchlane is unable to construct and operate the gravity sewer system by July 15, 2014 due to circumstances beyond Birchlane's reasonable control, payment of the suspended penalty will be resolved through hearing or judicial settlement conference. Of the \$10,000 amount of the penalty not suspended, \$8,000 was offset by a Supplemental Environmental Project for the City of Saco to conduct an in-stream water quality sampling and data collection project concerning the Goosefare Brook Watershed.